

REMARKS

Applicant hereby replies to the Office Action dated October 23, 2009, in the above-referenced patent application. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

After this amendment, claims 1, 4-8, 10, 12-14 and 44-48 are pending in the above-referenced patent application. Applicant notes with appreciation that the Examiner has allowed claims 7, 8, 10, 12-14 and 45-48. Claims 1, 7, 8, 14 and 48 are independent.

Claims 1, 4-6 and 44 are rejected under of 35 U.S.C. §101 as being directed to nonstatutory subject matter.

Claim Amendments

Claim 1 is amended for clarification. No new matter is added.

Rejections under 35 U.S.C. § 101

Claims 1, 4-6 and 44 were rejected under 35 U.S.C. §101 as being directed to nonstatutory subject matter. Applicant has amended claim 1 to include the limitations of “*employing a processor for...*” (emphasis added), which is fully supported in the specification (see, e.g., Fig. 2). It is known to those of ordinary skill in the art that processors are hardware components. Therefore, amended claim 1 meets the first prong of *In re Bilski*, and are therefore, directed to statutory subject matter (“The Supreme

Court...has enunciated a definitive test to determine whether a process claim is tailored narrowly enough to encompass only a particular application of a fundamental principle rather than pre-empt the principle itself. A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing." *In re Bilski*, No. 2007-1130, Slip op. at 10 (Fed. Cir. Oct. 30, 2008)).

Accordingly, withdrawal of the rejection of claims 1, 4-6 and 44 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes that the rejected claims are in condition for allowance. Reconsideration, re-examination, and allowance of the rejected claims are respectfully requested. If the Examiner feels that a telephone interview would help with the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

Please direct all correspondence to **Myers Andras Sherman LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

Respectfully submitted,

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